Writ Petition no. 1299(S/S) of 2001
Old No. 51497 of 1999

Smt. Manorama Kanthura------- Petitioner

Versus

Zila Basis Shiksha Adhikari and another Respondents

Hon'ble M.M.Ghildiyal J.

Heard Sri B.D.Upadhyaya learned counsel for the petitioner and learned Standing Counsel.

The petitioner who was working as a head mistress in Junior High School, Dhandhari Block Pauri district Pauri Garhwal was suspended for some charges by the Zile Basis Shiksha Adhikari by order dated 20.04.1999. The petitioner has submitted that neither any inquiry officer has been appointed till date nor any charge sheet has been submitted though four years have passed. The petitioner has already been retired after getting superannuation on 30.06.2002 and she has not been paid the post retrial benefits.

In view of the law laid down by the Hon'ble Court of in the case of **Ram Avtar Vaidya Vs. Sachiv, District Cooperative Bank Ltd. Bandas** reported in **1986 UPLBEC 5371** and in the case of **Dinsahaw Sohrab Gundevia Vs. State of U.P. and others reported in 1991(1) UPLBEC 5481**the impugned order is not sustainable in the eye of law.

For the reasons stated above the suspension order dated 20.04.1999 passed by the Zila Basis Shiksha Adhikari, Pauri Garhwal is quashed. No order as to costs. The respondents are directed to release the post retrial benefits to the petitioner.

(**M.M.Ghildiyal J.)**

July 08, 2003
MPS